

ESTTA Tracking number: **ESTTA454240**

Filing date: **02/01/2012**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	92054279
Party	Plaintiff Earth Heart, Inc.
Correspondence Address	MATTHEW H SWYERS THE TRADEMARK COMPANY 344 MAPLE AVENUE WEST, SUITE 151 VIENNA, VA 22180 UNITED STATES mswyers@thetrademarkcompany.com
Submission	Withdrawal of Cancellation
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	02/01/2012
Attachments	Withdrawal of Cancellation.pdf (2 pages)(20040 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

In the matter of U.S. Registration 3,995,953,
For the mark TERRACUORE and design,
Registered on the Principal Register on July 19, 2011.

Earth Heart, Inc.,	:	
	:	
Petitioner,	:	
	:	
vs.	:	Cancellation No. 92054279
	:	
Idea International Co. Ltd.,	:	
	:	
Registrant.	:	

WITHDRAWAL OF CANCELLATION PROCEEDING

Petitioner, Earth Heart, Inc., (hereinafter “Petitioner”), hereby withdraws, without prejudice, the instant cancellation proceeding. Registrant’s consent to the instant withdrawal is of record as evidenced below.

Conclusion

WHEREFORE Petitioner Earth Heart, Inc., by counsel, prays that the instant matter be dismissed with prejudice.¹

Respectfully submitted this 1st day of February, 2012.

The Trademark Company, PLLC

/Matthew H. Swyers/
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1. Initial Withdrawal of Cancellation in this matter stated, “...dismissed without prejudice.” This is the amended pleading.

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	:	
Idea International Co. Ltd.,	:	
	:	
Registrant.	:	

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served
by agreement via email and/or through the Board's electronic filing system upon the following
this 1st day of February, 2012, to the following:

M. Scott Alprin, Esq.
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/Matthew H. Swyers/
Matthew H. Swyers

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